

EXHIBIT 5

BAKER BOTTS LLP

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April 26, 2011

BY ELECTRONIC MAIL

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Re: Document Production Issues

Dear Terry:

I write in response to your letter of April 21, 2011, which raised two issues with respect to our production of documents, as well as to raise a few discovery issues with you.

First, we intend to provide you with a list identifying the specific document request to which each document we have produced is responsive in accordance with Rule 34 once our production is complete. Because you repeatedly asked us to finish our production as quickly as possible, we have focused our resources first on the review and production of documents and not on creating this list.

Your complaint about the form of our production makes little sense given that you agreed to a "rolling" production of documents. A rolling production, of course, means that responsive documents are produced as they are located, as opposed to waiting to produce documents until *all* responsive documents are located and organized. We have followed the process to which you agreed and have already made nine productions of documents over the last six months. Also, we do not understand why you have cited a case in your letter where the producing party "purposefully rearranged" documents to frustrate the other party. Please explain why you believe that case has any applicability here so we may address your concerns.

Second, you asked about a completion date for our entire production. We have substantially completed our review of a massive amount of electronic data (approximately 160 GB) and hard copy documents in response to your first set of 119 document requests. We estimate that we have completed 85 percent of our production to you. We are still reviewing electronic and hard copy documents that may be responsive to your second set of document requests. Right now, we anticipate that our production will be complete by the end of May. As you know, we have already produced over 65,000 pages to you. Given the fact that many of these documents had to be reviewed in Spanish rather than English, and the scope and thoroughness of our review, we believe our efforts have been entirely appropriate and reasonable.

We also have several separate discovery issues to raise with you.

BAKER BOTTS LLP

Terry Collingsworth

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April 26, 2011

First, as raised in our letter of February 24, 2011, and in Rachel Cochran's email to you on April 18, 2011, you have not responded to several of our discovery requests to which you had initially raised a work product or other objection. (The specific requests are the defendants' second set of interrogatories numbers 1, 3, 14, 15, and 19.) Please let us know if you intend to respond substantively to these requests by Friday, April 29, 2011, so we can decide whether to raise this issue with the Court. These responses are necessary for us to prepare for depositions in this case.

Second, many of the documents that you produced on behalf of the plaintiffs are illegible. We will send you this week a list of bates numbers of the illegible documents at issue and request that you provide us with a legible version of these documents.

Third, we need to schedule a call with you or someone from your team to discuss our response to Request No. 81, which is the request for all of Drummond Company, Inc. and Drummond Ltd.'s bank records. As you can imagine, this is a large amount of information and we would like to discuss how we can best make this information available to you. Please let us know if there is a time you are free on Friday, April 29 to discuss this issue.

We look forward to discussing these issues with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Sara E. Kropf", with a stylized flourish at the end.

Sara E. Kropf

cc: Tony Davis, Esq. (via e-mail)
Trey Wells, Esq. (via e-mail)